

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISSAK ALMALEH; ANTOANETA
IOTOVA,

Plaintiffs,

-against-

EZRA SPILKE; GUY OKSENHENDLER;
SUSAN MARCUS; THOMAS NOOTER,

Defendants.

22-CV-5609 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiffs Issak Almaleh and Antoaneta Iotova, who are proceeding *pro se*, bring this action against criminal defense attorneys who are representing them in a pending criminal matter before Judge Edgardo Ramos of this court, *United States v. Almaleh*, No. 17-CR-00025, (ER). Plaintiffs assert that the attorneys have engaged in “malpractice, criminal fraud and conspiracy to commit fraud against [them].” (ECF 1, at 8.) By order dated August 10, 2022, the Court granted Plaintiffs’ request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. For the reasons set forth below, the Court dismisses this action.

On February 28, 2018, former Judge Katherine B. Forrest of this court enjoined Plaintiffs Almaleh and Iotova “from filing any lawsuits against any counsel, court officer, or judicial officer connected to the criminal proceedings during its pendency. Any further such suits shall be summarily dismissed.” *United States v. Almaleh*, ECF 1:17-CR-0025, 108 (S.D.N.Y. Feb. 28, 2018). Because Plaintiff’s criminal proceedings remain pending, this action against their attorneys falls within the scope of the February 28, 2018, order and must be dismissed.¹

¹ Plaintiffs, who were accused of engaging in a scheme to obtain real property through fraud, were convicted of the charges following a jury trial. They are scheduled to be sentenced on October 6, 2022. *See Almaleh*, ECF 1:17-CR-0025, 521.

CONCLUSION

The Court dismisses Plaintiffs' complaint under the February 28, 2018, order in Plaintiffs' criminal case. *See United States v. Almaleh*, ECF 1:17-CR-0025, 108 (S.D.N.Y. Feb. 28, 2018). All other pending matters are terminated. The Clerk of Court is directed to close this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 11, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge